IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4680 OF 2003

Mr. Vijay N. Shah .. Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Shri M.S. Mohite for the Applicant.
Shri Konde Deshmukh, APP for the Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 10, 2005

PC :-

1. This application has been filed for cancellation of anticipatory bail granted by the lower court in favour of Respondent No. 3. Respondent No. 3 was working as Senior Manager of the concerned company. The application for anticipatory bail filed by one of the directors of the company has been disposed of today by a separate order.

2. Although the Respondent No.3 has enjoyed protection as per the anticipatory bail granted by the lower court, the said order is hereby modified on the same terms as in the case of the applicant in Criminal Application No. 4842/2003. In other words, the order

passed by the lower court is modified to the extent that Respondent No.3 shall report to the newly appointed investigating officer from tomorrow i.e. 11.03.2005 for a period of one week daily between 11 a.m. to 5 p.m. and thereafter, as and when required by the said investigating officer in connection with the investigation of the offence in question.

3. The interim protection granted to the Respondent No.3 shall continue till the investigating officer decides to arrest the Respondent No.3 in connection with the present offence on collecting the necessary material to indicate the complicity of the said Respondent, during the course of investigation. It will be open to the investigating officer not only to rely on the documents to be collected hereafter but also on the documents collected during the investigation so far, to indicate the complicity of the said Respondent in the commission of the crime.

4. The investigating officer shall give 72 hours advance notice to the Respondent No.3 about his intention to arrest him in connection with the offence, so as to enable the said Respondent to take recourse to the remedy as may be permissible in law.

5. The respondent 3 is personally present in the court and assures to abide by the direction given in the order. That assurance is accepted.

6. This application is disposed of on the above terms.

7. Ordered accordingly.

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